

6-18-04

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3739/18  
PATENT

Attorney Docket No. 39238-0753

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application

PATENT APPLICATION

Inventor(s):

STERN, et al.

Art Unit: 3739

Application No.:

10/072,475

Examiner: PEFFLEY, Michael F.

Filed:

February 6, 2002

Title: Method for treatment of tissue

**SUPPLEMENTARY**

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

MailStop: Amendment  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed below on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, along with a concise explanation of information in a foreign language, if any, except for pending U.S. applications is attached pursuant to 37 C.F.R. §1.97-1.98. Under 37 CFR §1.98(d), if a patent, publication or other information listed in the attached PTO-1449 was previously cited by or submitted to the Office in a prior application, a copy is not being provided. For the examiner's convenience, an asterisk is placed beside the reference(s) we are not providing a copy of.

This application claims priority to US Application No. 09/522,275.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. The Examiner is requested to initial and return the PTO-1449 in accordance with MPEP §609.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

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- ☐ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)  
-- OR --
  - ☐ (2) It is being filed within 3 months of entry of a national stage  
-- OR --
  - ☐ (3) It is being filed before the mail date of the first Office Action on the merits  
-- OR --
  - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☒ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
  - ☒ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
  - B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; and
  - C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☒ **Fee Authorization.** The Commissioner is hereby authorized to charge the above-referenced fees of \$ 180.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 08-1641 (Docket No. 39238-0753).

Respectfully submitted,

HELLER EHRMAN WHITE & MCAULIFFE LLP

By: Paul Davis

Paul Davis, Reg. No. 29,294

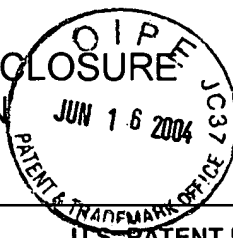
Dated: 6/15/04

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INFORMATION DISCLOSURE  
CITATION

PTO-1449

ATTY. DOCKET NO.  
39238-0753APPLICATION NO.  
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TITLE: Handpiece for Treatment of Tissue

APPLICANT : STERN, et al

FILING DATE: 2/06/02

GROUP: 3739

## U.S. PATENT DOCUMENTS

| EXAMINER'S INITIALS | PATENT NO. | DATE     | NAME               | CLASS | SUBCLASS | FILING DATE |
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|                     | 6,706,032  | 3/16/04  | Weaver et al.      | 604   | 500      | 6/7/01      |
|                     | 6,659,999  | 12/9/03  | Anderson et al.    | 606   | 9        | 6/5/00      |
|                     | 6,605,080  | 8/12/03  | Altshuler et al.   | 606   | 3        | 3/26/99     |
|                     | 6,529,543  | 3/4/03   | Anderson et al.    | 372   | 108      | 11/21/00    |
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|                     | 6,066,130  | 5/23/00  | Gregory et al.     | 606   | 15       | 10/27/98    |

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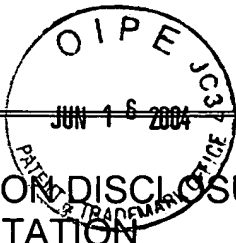
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

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|  | Anvari, et al., "Dynamic Epidermal Cooling in Conjunction with Laser Treatment of Port-Wine Stains: Theoretical and Preliminary Clinical Evaluations", <i>Lasers in Medical Science</i> 10: 105-112, (July 1995) |
|  | Nelson, et al., Abstract: "Dynamic epidermal cooling during pulsed laser treatment of port-wine stain. A new methodology with preliminary clinical evaluation", <i>Archives of Dermatology</i> , 131:695-700     |
|  | Anvari, et al., "Spatially selective photocoagulation of biological tissues; feasibility study utilizing cryogen spray cooling", <i>Applied Optics</i> , Vol 35, No. 19 (July 1996)                              |

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|                     | 6,014,579  | 1/11/00  | Pomeranz et al.   | 600   | 374      | 7/21/97     |
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|                     | 5,925,078  | 7/20/99  | Anderson          | 623   | 66       | 11/4/96     |
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|                     | 5,880,880  | 3/9/99   | Anderson et al.   | 359   | 385      | 7/15/96     |
|                     | 5,879,326  | 3/9/99   | Godshall et al.   | 604   | 51       | 4/25/97     |
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|                     | 5,571,216  | 11/5/96  | Anderson          | 623   | 66       | 1/19/94     |
|                     | 5,595,568  | 1/21/97  | Anderson et al.   | 606   | 9        | 2/1/95      |
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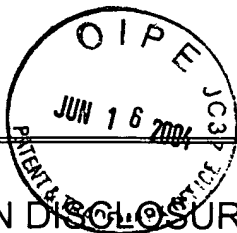
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\*If an asterisk is placed beside the reference number, a copy is not provided because the reference was previously cited by or submitted to the PTO in a prior application that is identical in the statement and relied upon for an earlier filing date under 35 U.S.C. §120. 37 C.F.R. §1.98 (d).

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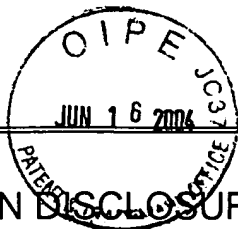
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|                        | 2002/0123745 | 9/5/02   | Svaasand, et al. | 606   | 9        | 1/23/01        |
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|                        | 2002/0022827 | 2/21/02  | Esch et al.      | 606   | 7        | 9/6/01         |
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US Appl. No. 10/072,475

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